

**REMARKS**

**Rejection of Claim 1 under 35 USC 102(a) as being anticipated by Ferrari (US 5,373,609)**

Claim 1 includes the limitation that one of the first and second arms of the elastic element exerts an elastic reaction against the member for fixing to the furniture or door and the other arm exerts a reaction on one of the rockers so as to compress the elastic element to produce a moment generating a pushing force in an opening direction of the door when the hinge is placed in a position defining a closing position of the door. This relationship is not disclosed in the Ferrari reference. Specifically the Ferrari reference at column 2 lines 38-45 states "In this way, when the spring goes beyond dead centre it reverses its effect by pushing the extension of the link in the opposite direction. Thus, below the angle established for dead centre the door is subjected to increasing thrust towards the closed position, as occurs in the known hinges, while above this angle the door is forced to open with decreasing pressure." The spring in the Ferrari reference does not exert an opening force when in a closing position but in fact exerts a closing force in direct opposition to the limitations disclosed in Claim 1. Therefore independent Claim 1 is not anticipated. Withdrawal of the above rejection is respectfully requested.

**Rejection of Claims 2 and 4 under 35 USC 103(a) as being unpatentable over Ferrari (US 5,373,609) in view of Kawano (JP 1,247,697)**

At the outset it is noted that neither the Ferrari reference nor the Kawano reference teaches an elastic element that exerts an elastic reaction against the member for fixing to the furniture or door and the other arm exerts a reaction on one of the rockers so as to compress the elastic element to produce a moment generating a pushing force in an opening direction of the door when the hinge is placed in a position defining a closing position of the door and wherein the elastic element is hinged to the pin connecting the fixing arm to the first rocker. As stated

above, the Ferrari reference teaches the use of a spring applying a closing force when in a closing position.

The Kawano reference discloses a spring element 19 that is pivoted about a different point than the pin connecting the fixing arm to the first rocker. Referring to the figures in the Kawano reference, the pin 19 is shown to pivot about a separate pivot 18 that does not connect the fixing arm to the first rocker.

To establish prima facie obviousness all the claim limitations must be taught or suggested by the prior art. (See MPEP section 2143.03) As there is no disclosure of an elastic element that exerts an elastic reaction against the member for fixing to the furniture or door and the other arm exerts a reaction on one of the rockers so as to compress the elastic element to produce a moment generating a pushing force in an opening direction of the door when the hinge is placed in a position defining a closing position of the door and wherein the elastic element is hinged to the pin connecting the fixing arm to the first rocker, as described above, applicant's attorney respectfully requests withdrawal of the rejection.

**Rejection of Claim 3 under 35 USC 103(a) as being unpatentable over Ferrari (US 5,373,609) in view of Mueller (DE 2,746,410)**

As stated above, the Ferrari reference does not teach an elastic member that exerts an opening force when in a closing position.

The examiner in the office action states: "Mueller teaches a hinge with an elastic element (10) hinged to the pin (12) connecting the member (5) to a first rocker (10) and the first arm of the elastic element exerts an elastic reaction on the member (5)." The Mueller reference does not disclose a first rocker or a second rocker as required in the claims as is noted by the examiners

use of item 10 as both the elastic member and the rocker in the above recited sentence. The Mueller reference discloses a hinge having a first spring 10 and a second spring 6 that exclude the use of first and second rockers. As a result there can be no teaching of the first arm of the elastic element exerting an elastic reaction on the second rocker as required in dependant claim 3.

To establish prima facie obviousness all the claim limitations must be taught or suggested by the prior art. (See MPEP section 2143.03) As there is no disclosure of the first arm of the elastic element exerting an elastic reaction on the second rocker, as described above, applicant's attorney respectfully requests withdrawal of the rejection.

### **CONCLUSION**

It is argued that the present amendment places all of the claims in condition for allowance and a notice to that effect is respectfully requested. The Examiner is invited to telephone the undersigned attorney if doing so would advance prosecution of this case.

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Respectfully submitted,

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